



PUBLIC SERVICE
EMPLOYEE RELATIONS BOARD

1977-1978

first annual report

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PUBLIC SERVICE
EMPLOYEE RELATIONS BOARD

FIRST
ANNUAL REPORT
1977 - 1978
for the
FISCAL YEAR ENDING MARCH 31, 1978

PUBLISHED BY AUTHORITY OF THE
PUBLIC SERVICE EMPLOYEE RELATIONS BOARD

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To His Honour
Ralph J. Steinhauer
Lieutenant Governor of the Province of Alberta

May it please your Honour,

The undersigned respectfully submits the accompanying Annual Report on behalf of the Public Service Employee Relations Board of the Province of Alberta, for the period from the date of proclamation of The Public Service Employee Relations Act on September 22, 1977 to the end of the fiscal period, March 31, 1978, of the Government of Alberta.

Respectfully submitted,

Dr. Hugh Horner
Reporting Minister

To: The Honourable Dr. Hugh Horner
Reporting Minister

Sir:

I have the honour to submit herewith the First Annual Report of the Public Service Employee Relations Board for the period from the date of proclamation of The Public Service Employee Relations Act on September 22, 1977 for the fiscal period of the Government of Alberta ending March 31, 1978.

Respectfully yours,

D. Blair Mason
Chairman

personnel

PUBLIC SERVICE EMPLOYEE RELATIONS BOARD

Chairman — D. Blair Mason, Q.C.

Alternate Chairman — Vacant

Members —

Anne Baranyk

Patrick French

Angus MacDonald

Gordon F. May

Secretary/Administrator — S. Michael Marlowe

Deputy Secretary — Gordon P. Procinsky

**FIRST ANNUAL REPORT
OF THE
PUBLIC SERVICE EMPLOYEE RELATIONS BOARD
FOR FISCAL PERIOD ENDING MARCH 31, 1978**

introduction

The Public Service Employee Relations Act Chapter 40 Statutes of Alberta 1977 came into force on September 22, 1977 upon its proclamation by Order In Council 965/77.

The Act repealed The Crown Agencies Employee Relations Act and certain sections of The Public Service Act including the Employee Relations part which governed the bargaining procedures between the Government of Alberta and its general service employees.

The Public Service Employee Relations Act establishes a scheme for collective bargaining with final determination of arbitral items, subject to statutory exceptions, through binding arbitration without the right to strike or lockout. Mediation in interest arbitration disputes is provided for by the Act on agreement by the parties with the appointment of a mediator by the Board. The Act also provides a framework for the adjudication of differences as to the interpretation, application or operation of a collective agreement on submission to a single adjudicator by agreement of the parties or a tripartite board selected either by the agreement of the parties or appointed by the Board.

The scheme of the Act is patterned to a great extent upon the model of The Alberta Labour Act as it pertains to matters of certification, revocation of certification and the treating of unfair practice complaints. However, there are differences which are unique to this legislation and different from the provisions in The Alberta Labour Act, the primary difference being the provisions in the Act which provide for resolution of arbitral items by binding arbitration and the provisions prohibiting strike and lockout. Such legislation is presently under consideration in the Province of Nova Scotia, but has not been effected at this date.

application

The legislation applies to the Crown in right of Alberta, and corporations, commissions, boards, councils or other bodies, the majority or all of whose members or directors are designated either by an act of the Legislature, the Lieutenant Governor in Council or a Minister of the Crown so empowered to appoint. Specifically excluded by Schedule from the application of the Act are a number of crown corporations, including the Alberta Government Telephones Commission, The Alberta Educational Communications Corporation, the Alberta Resources Railway Corporation and The Alberta General Insurance Company; as well as The Life Insurance Company of Alberta. In addition, other specific exceptions are the boards of governors of each university and college while acting as the employer of the academic staff members of their respective institutions. A complete listing of the exceptions is set forth in the Schedule which forms part of the Act.

Approximately 50,000 employees are covered by the legislation, the majority of whom are employees of the Crown in right of Alberta. Their duties range from relatively unskilled manual labour to those of a highly skilled and technical nature and on to the professions. The employees to which the Act applies are located in approximately thirty (30) departments, as well as corporations, commissions, boards, councils and other bodies, six (6) hospitals, four (4) universities and ten (10) colleges. These employees work not only in the major cities but also in the towns, villages and other areas in the province.

The provisions of the Act specifically exclude from the bargaining unit for collective bargaining those persons who have or exercise managerial duties and responsibilities, certain persons in the labour relations and collective bargaining areas, those who work in administration of personnel policies and programs, as well as specific positions within the government public service including Legislative Assembly staff, the Lieutenant Governor and Executive Council and their staff, as well as the personal staff of a deputy Minister or assistant deputy Minister. However, the Board is also provided with the power to exclude from the bargaining unit any person who should be so excluded in their opinion by reason of the

duties or responsibilities which he/she may have to his/her employer.

administration

The Public Service Employee Relations Board is responsible for administering the Act. The Board consists of a part-time Chairman, four part-time Board Members equally representative of the interests of the employer and employees respectively, all of whom are appointed by the Lieutenant Governor in Council. The Board's primary responsibilities include, the determination of appropriate bargaining units, the certification of bargaining agents, the investigation of unfair labour practices complaints and other complaints of breaches of specific sections of the Act. Its duties also include the appointment of mediators when necessary, as well as the establishment and appointment of arbitration boards and adjudicators or adjudication boards as may be required. The Board is given broad regulatory authority to make and issue orders, notices, directives, declarations, certificates and other decisions as it may consider necessary with or without conditions in order to effect the purposes of the Act. The Board is entitled to make its own rules of procedure as may be necessary for the conducting of hearings and inquiries or the investigations which it deems necessary to carry out the purposes of the Act.

The Chairman and members of the Board are appointed by the Lieutenant Governor in Council to hold office for a period not to exceed five (5) years, but may be re-appointed for a further term of not more than five (5) years. The first and present Chairman and Board Members have been appointed for a period of two (2) years effective from September 22, 1977. The quorum of the Board is the Chairman and two members who meet at the direction of the Chairman.

The administrative staff of the Board consists of a full-time Secretary/Administrator who is the senior staff officer, a Deputy Secretary, a Labour Relations Officer and three (3) clerical support employees.

implementation

Upon coming into force of The Public Service Employee Relations Act, all collective bargaining and grievance arbitration matters then proceeding under The Crown Agencies Employee Relations Act, The Public Service Act or The Alberta Labour Act, 1973 were continued as if the matters had arisen under the provisions of this legislation and were subject to the approval of the Public Service Employee Relations Board. Ten (10) applications involving approximately 650 grievances were continued by the Board in accordance with the transitional and consequential provisions of the Act.

This legislation also makes provisions for any certified bargaining agent under The Alberta Labour Act, 1973 of a unit of employees to which the Act became applicable to be deemed a certified bargaining agent of those employees under The Public Service Employee Relations Act.

The general service employees of the Crown in right of Alberta are pursuant to the Act constituted as a single bargaining agent and The Alberta Union of Provincial Employees is deemed to be the certified bargaining agent for that unit. The Alberta Union of Provincial Employees is also deemed to be the certified bargaining agent of each unit of employees on whose behalf it was bargaining collectively pursuant to any collective agreement in force on September 22, 1977.

administrative guidelines

To facilitate the processing of all applications and complaints that would come before the Board, Administrative Guidelines were prepared and forwarded to the parties affected by the Act outlining the procedures and guidelines adopted by the Board. However, the Board specifically reserved to itself the right to alter, change or amend the Administrative Guidelines at any time without notice. In addition, application forms were prepared to facilitate the operation of the Administrative Guidelines, and to provide for proper notice of all matters before the Board and for the development and exchange of information between the parties appearing on applications before the Board, or in answer to complaints made or inquiries requested of the Board.

Because the Board is required to effect the purposes of the Act in public service bargaining, it immediately adopted the policy that all Board hearings would be open to any member of the public wishing to attend, but the right to make representations at hearing would be reserved only for parties affected by the matter before the Board.

The Board, cognizant of the right of notice to any parties affected by matters which may come before it, set down procedures whereby such parties would receive notice and the particulars of the matter before the Board to give them the opportunity to attend and make whatever representations they may deem necessary.

in appreciation

This Report would not be complete without expressing our appreciation to the representatives of the employers and the employees and their respective legal counsel for their co-operation and assistance during the organizational period. The assistance and advice which we received allowed us to become operational immediately and provided for the transition of public service bargaining to proceed under The Public Service Employee Relations Act without undue delay.

We would also be remiss in not expressing our appreciation to certain members of the administrative staff in Alberta Transportation, Alberta Housing and Public Works, Treasury, Audit and the Executive Council who assisted us so ably in providing us with the information which assisted us to prepare our budget, seek and establish offices, hire staff and assume the responsibilities of our own operation independent of government involvement.

Overall we owe a debt to Dr. Horner and his Executive Assistant for their full co-operation and assistance.

We want to express to the administrative staff of the Board our sincere appreciation for all of their extra time and effort throughout the organization and setting up of the Board and its facilities and the making of the Board operational without delay.

A special word of thanks should be given to the Chairman and Deputy Chairman of the Public Service Staff Relations Board in Ottawa for the time they so generously gave to provide resource material which also assisted us in setting up the organization of this Board.

Finally, we look forward to a busy and challenging year in developing accord and a good working relationship between all the parties which come under the purview of this Act.